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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 24th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 15 August 2002, at 3 p.m.

Chairperson: Mr. YOKOTA
(Vice-Chairperson)

later: Mr. PINHEIRO
(Chairperson)

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(b) CONTEMPORARY FORMS OF SLAVERY

(c) NEW PRIORITIES, IN PARTICULAR, TERRORISM (continued)

The meeting was called to order at 3.15 p.m.

SPECIFIC HUMAN RIGHTS ISSUES

(a) WOMEN AND HUMAN RIGHTS

(b) CONTEMPORARY FORMS OF SLAVERY

(c) NEW PRIORITIES, IN PARTICULAR, TERRORISM

(agenda item 6) (continued) (E/CN.4/Sub.2/2002/2, 27-29, 32-36, 38 and 39, 43 and 44; E/CN.4/Sub.2/2002/NGO/1, 2, 18, 23-25 and 27)

1. Mr. BETTAH (Agir Ensemble pour les Droits de l'Homme) said he wished to draw attention to the serious irregularities which had marked recent elections for the re-election of the President of the Bar and other members of the National Bar Council in Mauritania as well as the flagrant violation of the fundamental principles of the National Bar Council of Mauritania. The first principle violated was that of the independence of lawyers and their ability to carry out functions in the absence of any political pressure. The second was that of the right to defend fundamental rights and freedoms. Although it was not the first time, the pressure exercised during the June 2002 elections to the Bar had been accompanied by unprecedented efforts on the part of the ruling party and the State apparatus to have its candidate elected. As a result, two candidates had been elected, one rightfully - despite all the pressure exerted on the electoral process - and the other a self-proclaimed President of the Bar, imposed by the State. In the process, the principles of freedom and secret ballot had been flouted, armed policemen had been present during the voting procedure and political groups had exercised pressure on voters. He therefore called upon the Sub-Commission to urge the Mauritanian authorities to respect the legality of the National Bar Council of Mauritania, whose independence was an essential guarantee of respect for human rights.

2. Ms. BELLAMY (International Confederation of Free Trade Unions) said that in the report by the Working Group on Contemporary Forms of Slavery reference was made to new, insidious forms of slavery, mainly affecting children and many migrant workers. Although there was a tendency to associate forced work with the worst excesses of dictatorships, a report by her organization on the respect of basic working standards in Europe, published in July 2002, confirmed that forced labour was also well-established in Europe. For example, in Germany, prisoners were hired out to companies without their official consent for wages which represented five per cent of the current rate. In most European countries, children were exploited in the parallel sector and in agriculture. Worse still, the report stated that the trading of women and young girls for forced prostitution was practised in almost every European Union country, a problem which the International Labour Organization and the European Union were preparing to tackle together through an ILO special action programme. Her organization supported the recommendations of the Working Group, particularly those concerning the responsibility of States resulting from the ratification and application of international instruments and the introduction of nationally and internationally-coordinated anti-trafficking and anti-corruption policies.

3. Mr. POLIFRONI (International Commission of Jurists) said that the fight against terrorism had gained a new pace since the events of 11 September 2001, with various initiatives at both international and national level testing and in some cases contravening human rights and the principles of international law. Within the framework of United Nations Security Council resolution 1373 (2001) many States had adopted measures that were not compatible with international law. One of the most common practices was to introduce vague legal definitions of terrorism into criminal legislation. Another was to provide military courts, specialized tribunals or tribunals having secret judges, prosecutors and witnesses with jurisdiction over presumed terrorists. Similarly, anti-terrorist measures involving deprivation of liberty often constituted arbitrary forms of detention. Another phenomenon which caused concern was the use by some countries of the fight against terrorism to adopt measures aimed at undermining public freedoms and suppressing social and political opposition. Although there was no doubt that all States had the right and duty to fight criminality, it was also true that all States had an obligation to respect principles of criminal law and international human rights law. His organization therefore regretted that neither the United Nations Security Council nor the Commission on Human Rights had set up a mechanism for monitoring compliance of counter-terrorism measures with international law.

4. Mr. SHARFELDDIN (International Organization for the Elimination of All Forms of Racial Discrimination) said that it was a basic and essential human right to defend one's home, land and property by all means available. The Palestinians, whose land and homes had been occupied and whose survival had been threatened by invading people, had no possibility to defend themselves, apart from throwing stones. Israel was invading the territory of the Palestinian Authority, demolishing homes, enforcing curfews and committing atrocities in the name of security. In the absence of an international definition of terrorism distinguishing it from resistance as a legitimate right to defend oneself, every country gave itself the right to define terrorism as it saw fit. The definition of terrorism as opposed to legitimate self-defence had therefore become a concern of supreme urgency, and he called upon the Sub-Commission to issue a resolution on the matter.

5. Ms. CHING (Amnesty International) said that her organization welcomed the adoption of the Sub-Commission's resolution on "The prevention of human rights violations caused by the availability and misuse of small arms and light weapons" (E/CN.4/Sub.2/2002/L.23). Over the previous decade Amnesty International had documented many cases containing direct references to the use of small arms and light weapons. Poor firearms training and management and the absence of effective systems of accountability for law enforcement and military personnel had resulted in repeated violations of international human rights and humanitarian law by such personnel. Meanwhile, the proliferation of small arms and light weapons had also contributed to widespread and persistent misuse of such weapons. Amnesty International therefore urged Governments to adopt laws and regulations to prohibit arms transfers. Some of the key measures required to control the trade in small arms and light weapons were greater transparency, including a United Nations register for global transfers; the closing of loopholes through the strict national registration of arms manufacturers, dealers, brokers, transporters and financiers; and accountability in the form of national laws conforming to international law and standards.

6. Mr. SALEK EL HAISSEN (American Association of Jurists) said that women in the Saharan Arab Democratic Republic played an important role in the organization of Saharan

society and had the main responsibility for the management of camps, distribution of food and setting-up of schools and hospitals. However, the situation of Saharan women in the occupied territories of Western Sahara was progressively deteriorating. Their economic, social and cultural rights were considerably limited by the Moroccan authorities occupying the territory. Many had disappeared and hundreds were still awaiting news of relatives who had disappeared in the 27 years since the conflict had begun. It was time the Moroccan authorities shed light on the fate of all those persons who had disappeared, as the Security Council requested in its most recent resolution on the self-determination of the Saharan people (resolution 1429 (2002)). The American Association of Jurists appealed to the Sub-Commission to encourage the Special Rapporteur on violence against women to visit the occupied territories of Western Sahara and the refugee camps to examine the situation of the Saharan women at first hand. He also wished to bring to the attention of the Sub-Commission the plight of Mr. Bruce Harris, director of the NGO "Casa Allianza", who had reported the killings of children in Guatemala and the practice of illegal international adoption of Guatemalan children to the Inter-American Commission on Human Rights. He was currently being held on charges of defamation against the State and, if found guilty, would be subject to a five-year term of imprisonment. The Sub-Commission should note that preventing organizations and persons specializing in the defence of the rights of the child from exercising such defence was in itself a form of violation of the rights of the child.

7. Mr. PITTS (Minnesota Advocates for Human Rights) said that violence against women worldwide continued unabated; no country was immune. In regions of Central and Eastern Europe and the Commonwealth of Independent States implementation of protection mechanisms lagged significantly behind the almost universal formal ratification of the major human rights treaties. Moreover, although rape was now globally recognized as a crime against humanity when used as a war crime, the end of military conflict did not always end violence against women. Many women and girls in post-conflict countries had been trafficked from economically-depressed countries and forced into bonded labour or slavery. Moreover, domestic violence fed on negative gender stereotypes and law enforcement officials often dismissed women's allegations as private family matters or blamed women for provoking attacks. By way of example, Poland failed to protect the human rights of women and to hold perpetrators of violence to account for their criminal actions, thus violating its international treaty obligations. Although NGOs had been making laudable efforts to combat problems in Poland, they lacked data, coordination, funding, support and technical assistance. His organization therefore urged the Sub-Commission to continue supporting State and private institutions in their efforts to combat domestic violence and to encourage further implementation of human rights treaties and further enactment of national laws against violence in the countries concerned.

8. Mr. MANHAS (Afro-Asian People's Solidarity Organization) said that the people's right to democracy was being undermined in the State of Jammu and Kashmir in India, which was due to hold elections in the near future. Terrorists active in the State had deprived thousands of innocent civilians of the most fundamental of all rights - the right to life. The only way to bring peace to the State was through democratic elections and economic development. He therefore urged the Sub-Commission to impress upon Pakistan and the political leadership of Jammu and Kashmir the need to respect the people's inalienable right to democracy and to cooperate in the creation of a peaceful and secure environment conducive to the holding of free and fair elections.

9. Mr. NARANG (Indian Council of Education) said that in order to have a complete overview of the global origins of multiparty democratic political systems, he would add the Magna Carta, known as the "mother of all constitutional democracy", Japan's Meiji Constitution, which had laid the foundations for democracy in East Asia, and a number of national constitutions to the regional instruments cited by Mr. Rodríguez-Cuadros in his paper on the promotion and consolidation of democracy (E/CN.4/Sub.2/2002/36). The political history of the second half of the twentieth century had been marked by the spread of democracy and it was particularly noteworthy that democracy in countries where it had been allowed to mature, such as India and Japan, had shown great resilience in the face of economic growth and crises. In India, for example, the federal framework had made it possible to accommodate numerous separatist movements. Democracy had shown itself to be the most conducive environment for development and transformation within States. Democratic progress could be expected in other Asian countries and in Africa too, where most countries were multiparty democracies. The international community should encourage the emerging democracies, while the countries claiming to uphold democratic values should refrain from encouraging authoritarian States.

10. Mr. SEMEEV (Transnational Radical Party) said that he was deeply concerned about the various means of genocide practised in Chechnya, where over a fifth of the population had been killed in the space of two years. They included search-and-destroy and clean-up operations and so-called "filtration camps", in which many people simply disappeared without any investigation ever being carried out. Women, older people and, especially, children were the main victims of the war, in which the possibility that chemical and biological weapons had been used could not be ruled out. The displacement of almost a third of the population and the lack of medical care were also serious concerns. Journalists were kept out of the country and censorship ensured that the war was portrayed as a campaign to eradicate terrorism. Many refugees had been forced to return to Chechnya as a result of the Russian policy to close the camps for Chechen refugees in Ingushetia. Moreover, the suspension of United Nations activities in the country primarily benefited those who were determined to carry on with the war and the persecution of the civilian population. He urged the Sub-Commission to request the Commission on Human Rights to use all its influence to bring about negotiations between the presidents of the Russian Federation and Chechnya. He also urged the United Nations High Commissioner for Human Rights to do everything possible to establish an independent international commission to investigate violations of international humanitarian law in the region.

11. Mr. OZDEN (Europe-Third World Centre) said that human rights were being violated in the context of action to combat terrorism following the attacks of 11 September 2001. The special military courts set up by presidential decree in the United States allowed excessive secrecy in the judicial process, including secret executions. Prisoners suspected of being terrorists were subject to inhuman and degrading treatment and torture and their right to a fair trial was violated. The European Union and many other States had taken measures that restricted civil liberties and had outlawed political and social movements in a clampdown that left refugees and migrant workers open to abuse, while international guarantees for their protection were ignored. At the same time, the Charter of the United Nations had been violated by the Security Council itself, in its resolution 1373 of 28 September 2001 and its resolution 1422 of 12 July 2002, which granted impunity to personnel working in operations authorized by the United Nations. The United States was acting unilaterally in the fight against terrorism, and its scornful attitude towards the United Nations threatened the very existence of that organization.

The struggle for human rights and fundamental freedoms must be pursued unrelentingly in order to prevent the fight against terrorism from becoming a pretext to justify terrorism by the most powerful States.

12. Mr. SOZEK (International Educational Development) said that most uses of weapons containing depleted uranium and other weapons of mass destruction violated existing norms of humanitarian law, as set out with legal precision by Mr. Sik Yuen in his comprehensive working paper (E/CN.4/Sub.2/2002/38). The users of such weapons must be held legally liable for their consequences and had a duty to pay for compensation and clean-up. Scientific research clearly supported the view that the use of depleted-uranium weapons constituted genocide, given their tetragenic and gene-destroying effects. He therefore urged the Sub-Commission to request that Mr. Sik Yuen should prepare an expanded paper on the subject.

13. He congratulated the Special Rapporteur on terrorism and human rights for the keen academic approach evident in her second progress report (E/CN.4/Sub.2/2002/35) in a year when even some of the staunchest supporters of human rights had urged that those rights should be suspended as part of the so-called "war" against terrorism. The only way to eliminate terrorism was the full realization of human rights, including the right to self-determination of the people of Kashmir and the Palestinian people, whose right to use force, where necessary, to achieve self-determination was not affected by acts of terrorism. He regretted the inconsistent approach of the United States, which labelled some resistance movements as terrorists and others as freedom fighters and which had restored military assistance to Indonesia despite the military-backed terrorist bombing campaign in the Moluccas. More disturbingly, the United States had openly announced plans to overthrow another sovereign State. The international community would have to decide whether the time-tested universal norms of humanitarian law and the Charter of the United Nations stood for something or whether the principle of "might makes right" would again prevail.

14. Mr. SAINI (International Institute for Non-Aligned Studies) said that women's rights still had to find a place on the statute book in many parts of the world. One of the least recognized of their rights, especially in the developing countries of Africa and Asia, was the right to an equal share of an inheritance. To overcome that problem, legally-recognized women's councils should be set up to hear women's grievances and oversee a fair distribution of annual incomes within communities. In Islamic societies, although girls were nominally given equal rights of inheritance, once they married parental property was willed to male descendants and relatives and women were not even able to approach the courts in their own right. High rates of illiteracy and attitudes to domestic work compounded their problems. Education and political empowerment were essential for women's economic independence and affirmative action was needed to ensure an adequate presence of women in higher education, managerial jobs and political positions. To enable women to work outside the home, men should have greater opportunities to take leave of absence, especially when they had young children, while to empower women politically, a number of seats must be reserved for them in elections. At the same time, greater cooperation was needed to bridge the so-called "gender gap".

15. Ms. Yeong-Ae YAMASHITA (Korea Women's Associations United) drew attention to the women's tribunal organized by human rights and women's rights communities throughout the world in response to the failure of the Japanese Government to assume its legal

responsibilities with regard to the sexual slavery practised by Japanese troops during the Second World War. The tribunal had met in December 2000 in Tokyo and again a year later in The Hague, where it had delivered its final judgement. After finding Emperor Hirohito and high-ranking military and political officials guilty of crimes against humanity, it had recommended that the Japanese Government should fully acknowledge its responsibilities for the establishment of the system of "comfort women", issue a full apology, compensate victims and survivors and identify and punish the principal guilty parties. It had also recommended that the former Allied nations should immediately declassify all official records relating to the establishment and operation of the comfort system and that other States and the United Nations should seek an advisory opinion of the International Court of Justice on the illegality of the system and the liability of the Japanese Government. She believed that implementing those recommendations would have a positive impact on the human rights of past, present and future victims of violence against women during wars and armed conflicts and would contribute to ending impunity for sexual violence in wartime.

16. Mr. ANWAR (World Federation of Democratic Youth) said that Mr. Rodríguez-Cuadros had made the valid point in his excellent working paper (E/CN.4/Sub.2/2002/36) that it was difficult to define democracy because the word "democracy" was also used to describe undemocratic regimes. To explain how undemocratic regimes in Pakistan had tried to project their legitimacy, he described the history of military dictatorships in that country, which was one of promulgating martial law and putting the Constitution on hold on the pretext of establishing democracy, good governance, the rule of law and accountability and putting an end to corruption. The elections due to be held in Pakistan in October 2002 would put in place only a subservient democracy; in fact, the search for an obliging prime minister was already under way. It was amusing to note that each undemocratic regime in Pakistan managed to have its "democratic credentials" legitimized by the powerful Western democracies, which trampled the spirit of democracy underfoot to serve their own vested interests. He urged the Sub-Commission to impress upon Pakistan's military regime that the salvation of the country lay in holding unconditional, free and fair elections that would allow the three branches of government to function independently and to dispense justice to all sections of the population with no discrimination whatsoever.

17. Ms. WATANABE (Asia-Japan Women's Resource Centre) warmly welcomed the report of the High Commissioner for Human Rights on systematic rape, sexual slavery and slavery-like practices during armed conflicts (E/CN.4/Sub.2/2002/28), especially the section on the significance for women's rights of the establishment of the International Criminal Court and the conclusion that the establishment of "comfort stations" constituted a grave breach of international human rights and humanitarian law. The women's tribunal on military sexual slavery mentioned by a previous speaker had been set up in response to States' failure to deliver justice and had made an important contribution to the development of international law. Unfortunately, the Japanese Government continued to deny its legal responsibility and many survivors had been outraged by its charity scheme, the Asian Women's Fund. After carefully examining all the evidence, the tribunal, presided over by a former president of the International Criminal Tribunal for the Former Yugoslavia, had found Emperor Hirohito and high-ranking military and political officials guilty of crimes against humanity and held the State of Japan responsible for reparations for its internationally wrongful acts against the comfort women. She called on the Sub-Commission to support efforts to achieve justice for those women. Their

case was a test case: if justice could be done with regard to sexual slavery that had taken place 50 years ago, there was hope that justice would also be done for women suffering sexual violence at the current time.

18. Ms. RAS-WORK (Inter-African Committee), speaking also on behalf of the International Movement for Fraternal Union among Races and Peoples, said it had been amply demonstrated that traditional practices harmful to the health and well-being of women had no justification in any religion and that no human society was immune to such practices. Despite the valuable work of Special Rapporteurs Ms. Warzazi and Ms. Coomaraswamy, measures to rectify the situation remained minimal and nominal.

19. Her organizations wished to know why even life-threatening issues relating to women received so little attention, except in a context of alarming political or social unrest. The Governments of countries where such practices took place failed to provide information on the situation or on the action they had taken, and Ms. Warzazi had not been provided with even minimum facilities to enable her to carry out her mandate as Special Rapporteur on traditional practices affecting the health of women and the girl child. Her organizations requested the Sub-Commission to examine seriously the reason for non-implementation of the relevant proposals and decisions, with a view to ensuring realization of the plan of action for the elimination of traditional practices affecting the health of women and children, adopted by the Sub-Commission in August 1994.

20. Mr. RAINA (Catholic Institute for International Relations) said the child labour situation in Kashmir had deteriorated during the past 13 years. Many breadwinners had been killed since the start of the conflict, and children had been forced to go out to work to support their families. Their working conditions were dangerous and stressful, causing long-term physical, intellectual and emotional damage.

21. A survey of just two districts of Kashmir had found 22,000 child workers, the majority of them in the carpet industry, and half of those aged under 14. Nearly 80 per cent were reported to suffer from conditions such as myopia, detached retina and throat infections. Another 3,000 worked in the automobile sector and suffered from burns, bronchitis and chest pains, among other ailments. Such children were being denied their childhood - the opportunity to play, engage in creative activity and develop their potential. They remained illiterate for life. Before they could enjoy their rights as children, the violence would have to be brought to an end through meaningful negotiations.

22. In the meantime, he urged the Sub-Commission to ask the Government of India to make the State Government in Kashmir responsible for improving children's working conditions and providing basic education and training, and to grant financial aid to help it in that task.

23. Mr. RAINA (Interfaith International) said women were suffering particularly badly from the violence in Kashmir. Widowed, with children to support, many were forced to turn to begging or prostitution and some committed suicide. They were frequently humiliated and even raped during raids on their homes, or as punishment, by security forces and militants alike.

24. The loss of thousands of young men had created a drastic gender imbalance, making it impossible for many women to find a husband. Those who were not married by the age of 30 were likely to remain single and, like the rape victims, would suffer social stigmatization. Education and employment opportunities for women - relatively scarce at the best of times in that male-dominated society - had shrunk even further. Where a dress code was imposed, women who refused to observe it were subjected to acid attacks.

25. Many hoped the forthcoming elections might herald peace and development. His organization urged the Sub-Commission to impress upon the Governments of India and Pakistan the need for free, fair and secure elections, bearing in mind the aspirations and wishes of the people of Kashmir.

26. Mr. SARAF (World Muslim Congress) said that, in the debate on terrorism and human rights, it was essential to agree on a comprehensive definition of terrorism: all the various forms of terrorism needed to be identified; a distinction must be drawn between terrorism and legitimate political dissent; and terrorism must not be associated with any specific religion or people. The notion of cross-border terrorism, in particular, required close examination and allegations by occupying Powers in that regard should be subject to independent verification. India, for example, was campaigning vigorously to portray the Kashmiri people's legitimate freedom struggle as cross-border terrorism and the exercise of their right to freedom of movement or migration as cross-border infiltration, concepts that were used as pretexts for more killings and the denial of their legitimate aspirations.

27. Mr. NIIKURA (International Association of Democratic Lawyers) said he had been accompanied from Japan by Mr. Yutaka Ohashi, whose story was an illustration of the human rights violations committed by the Japanese Government. In 1950 Mr. Ohashi had been dismissed from his job, like 40,000 others around the country, during the McCarthyist purges of communists requested by the United States, as the occupying Power at the time, in violation of the right to freedom of opinion. The victims were still suffering: many lived below the minimum standard of living, a violation of their right to social security.

28. Later, after having protested at a government attempt at rearmament by stealth, Mr. Ohashi had been given an excessive prison sentence on a fabricated charge, in violation of his constitutionally-guaranteed right to freedom of expression and other political rights.

29. The victims of those past abuses were now dying, yet the State continued to deny them any remedy. Only the international community could help, and he requested the Sub-Commission to arrange for a special rapporteur to visit not only Japan but also other States where victims of similar persecution or injustice were to be found.

30. Mr. NASEEM (International Human Rights Association of American Minorities) said women continued to be victimized and to suffer grave abuses in their own homes during armed conflicts. The true extent of the use of rape as an instrument of war was almost impossible to establish owing to the resulting stigmatization of the victims. Obtaining justice and relief was even more difficult. His organization informed the Sub-Commission every year of the gross and systematic violations of Kashmiri women's basic rights committed by Indian military and

paramilitary forces and renegades in Jammu and Kashmir. Had such a body condemned those actions, the victims might have obtained some relief, but the world's conscience remained unmoved.

31. More than 8,000 Kashmiri women had been raped in the past 10 years even as new human rights instruments were being signed. In one recent case, a 17-year-old girl had been gang-raped while her family and neighbours had been forced to watch at gunpoint. The stigma associated with rape, which affected entire families and communities, had frequently prompted further armed retaliation by Kashmiris. The question was simple: how long would the international community allow the brutalization of the Kashmiri nation to continue?

32. Mr. WARIKOO (Himalayan Research and Cultural Foundation) said that, despite a concerted global campaign, the incidence of cross-border terrorist acts was on the rise. Only by eliminating the sources of religious terrorism would it be possible to eradicate the problem. It was essential therefore to dismantle the infrastructure and training camps of the organizations of the Al-Qaida network.

33. Islamist terrorist groups in Jammu and Kashmir had stepped up their attacks on women, politicians and religious minorities. Some 450 political activists had been killed in recent years, and one group had issued a fatwa pronouncing a death sentence on those who participated in the forthcoming elections. Hindus continued to be the main targets of suicide bombers, and women who refused to wear the veil had acid thrown at them. His organization appealed for steps to be taken under the relevant United Nations Security Council and General Assembly resolutions to destroy such groups. Political considerations should not be allowed to undermine the global anti-terrorism campaign.

34. Ms. Hesuk SONG (Liberation) said the current drive for justice for women victims of sexual violence in times of war and armed conflict had been inspired by the courage of the first Korean woman to reveal, in 1991, that she had been a "comfort woman" during the Japanese occupation.

35. A significant step forward had been taken with the inclusion of special provisions on rape and sexual assault in the Rome Statute of the International Criminal Court. Despite such developments and the reports of two Commission on Human Rights special rapporteurs, the Japanese Government had yet to fulfil its obligations in the matter. Documents concerning recruitment of Asian comfort women had not been made public, for example, and the Asian Women's Fund did not provide compensation from the State treasury but consolation through private charitable donations and was therefore not an acceptable form of reparation.

36. Her organization requested the Sub-Commission to urge the Japanese Government to take all necessary legislative measures to implement the recommendations of the Special Rapporteurs. There was not much time. The international community had a responsibility to ensure that survivors of the "comfort station" system could live out the remainder of their lives in peace and in the knowledge that such sufferings would never be visited upon future generations of girls and women.

37. Ms. BOURKE (World Organization against Torture) said her organization welcomed the adoption by the Economic and Social Council of the Recommended Principles and Guidelines on Human Rights and Human Trafficking and called upon States and intergovernmental and non-governmental organizations to apply those principles.

38. OMCT was extremely concerned about the issue of "honour crimes". Recent work had focused on the need to characterize such crimes as violations of human rights and various United Nations human rights mechanisms had identified them as falling within their respective mandates. Particular emphasis had been placed on the State's obligation to exercise due diligence in preventing, investigating and punishing such acts of violence against women.

39. She urged the Special Rapporteur on traditional practices affecting the health of women and the girl child to take up the issue of honour crimes more actively and to follow up any of the recommendations made by the Secretary-General in his report to the fifty-seventh session of the General Assembly.

40. She drew attention to the use of corporal and capital punishment against women in the Sudan and Nigeria, which was in clear breach of the prohibition of torture in international law. In Nigeria, the practice of sentencing women to death by stoning for alleged adultery appeared to be on the increase, even if sentences had subsequently been overturned on appeal. In both countries, women were the victims of entrenched gender discrimination in the administration of justice. She requested the Sub-Commission to adopt a decision with a view to eliminating those practices.

41. Ms. SHAWL (International Islamic Federation of Student Organizations), referring to the report by the Special Rapporteur on Violence against Women to the fifty-seventh session of the Commission on Human Rights, said that women and girls were often the victims of sexual violence during situations of armed conflict. Protecting women from such crimes should be a major priority in any relief operation, and greater efforts should be made to bring the perpetrators to justice.

42. Indian armed forces in the State of Jammu and Kashmir had been committing numerous crimes of rape and sexual exploitation in a climate of impunity. While India continued to prevent humanitarian and relief workers from entering the occupied State, the United Nations continued to ignore the crisis altogether. She urged the Special Rapporteur on violence against women to visit the State in person in order to investigate and expose the brutalities taking place. Furthermore, the United Nations must ensure that the disputed territory remained free from Indian domination, which was the only sure way to prevent impunity. Violence against women was a weapon of war, designed to suppress the legitimate aspirations of people fighting to enjoy their right to self-determination.

43. Mr. KHOURI (Union of Arab Jurists) welcomed the working paper by Mr. Sik Yuen on human rights and weapons of mass destruction (E/CN.4/Sub.2/2002/38), in particular its analysis of weapons containing depleted uranium. The use of such weapons in Iraq during the Gulf war had been a crime against humanity, insofar as it had caused untold suffering to the civilian population. Rising incidences of cancer and genetic mutation, besides the destruction caused by air and water pollution, were testimony to the catastrophic impact of depleted uranium.

44. A State that was prepared to violate international law in order to terrorize the citizens of another State would have no hesitation about doing so against its own people. Thus, despite the fact that senior officers of the United States army had known of the likely effects of weapons containing depleted uranium, they had nevertheless exposed at least 60,000 of their own troops to what had become known as Gulf war syndrome. State terrorism by countries possessing weapons of mass destruction was a threat to international peace and security, as demonstrated by the violence carried out against the Palestinian and Iraqi peoples.

45. Mr. PRAKASH (European Union of Public Relations), referring to the report by Ms. Koufa on terrorism and human rights (E/CN.4/Sub.2/2002/35), said that the current debate on terrorism had underlined the need to address the root causes of the phenomenon, as well as the principle that the killing of innocent civilians could never be justified. One of the "hot spots" where solutions were required most urgently was the Indian State of Jammu and Kashmir. He proposed to identify the root causes of terrorist activity in that region.

46. Firstly, he drew attention to the existence of military dictatorships for almost the whole of the history of Pakistan. Leaders there had sought to consolidate their rule by championing the cause of Muslims in neighbouring States. Secondly, the crisis of national identity had, on one hand, led to a firm belief that people from different religions could not live together in a single State, and, on the other, perpetuated the refusal to accept the accession of Jammu and Kashmir to India in 1947. Finally, the failure to build a tolerant society in Pakistan had led to the growth of a radical and distorted version of Islam, protected by the military establishment.

47. He called on the Government of Pakistan to accept the accession of Jammu and Kashmir to India under international law, to renounce the use of terrorism as a means to attain foreign policy objectives, to close down terrorist training camps on its territory, to reform the radical Islamic education sector and to hold free and fair elections leading to the emergence of genuine democracy.

48. Mr. SAVERIO (Pax Romana) said, with regard to the working paper by Mr. Rodríguez-Cuadros on the promotion and consolidation of democracy (E/CN.4/Sub.2/2002/36), that the right to self-determination was fundamental in the context of consolidating democracy. All peoples had the right to decide on their own form of government, and to participate effectively in decision-making at all levels. "Good governance" should be assessed, not only by counting the number of international instruments ratified by a given State, but also by considering the extent to which all members of society participated in the election process. In the majority of developing countries, such as Kenya and Zimbabwe, only a third of the population was registered to vote, and women remained marginalized from institutions of government. He urged the Sub-Commission to carry out a study on the concept of self-determination, and to review the criteria used for assessing good governance.

49. Mr. PANDITA (African Commission of Health and Human Rights Promoters), referring to the report on terrorism and human rights (E/CN.4/Sub.2/2002/35), said that the definition and interpretation of terrorism had never been particularly contentious in international law prior to 11 September 2001. The report raised a number of questions concerning issues that needed to be addressed in future. It was important to establish to what extent non-State actors

could be held accountable for their actions. Very often, terrorists attempted to justify their actions by accusing States of failing to address social, economic or political issues. Such charges could never be tenable against democratic Governments that duly made judicial and electoral remedies available to their people. Moreover, when democratic States adopted special measures to cope with the threat of terrorism, they were intended not to violate but to protect the human rights of their citizens.

50. Taking into account United Nations Security Council resolution 1373 (2001), the international community must address the issue of extraditing suspected militants wanted in connection with acts that threatened international peace and security. The resolution required States to deny a safe haven to those who financed, planned or committed acts of terrorism. Although bilateral agreements existed on extradition rules, there were currently no arrangements for securing extradition from countries not bound by such agreements. That loophole needed to be closed in order to prevent States from protecting suspected terrorists.

51. Mr. KINGSLEY (Consultative Council of Jewish Organizations) said that although the Universal Declaration of Human Rights addressed the issue of human responsibilities in article 29, it did not codify those responsibilities in detail. Despite the fact that arguments had been made for the drafting of such a document, in the view of his organization a code of human responsibilities could be seriously counterproductive. The InterAction Council had argued that its declaration sought to bring freedom and responsibility into balance, yet that implied, wrongly, that the Universal Declaration did not take duties seriously, or that the rights it contained were unconstrained. The 1993 Parliament of the World's Religions Declaration towards a Global Ethic had stated that the exercise of rights without morality was dangerous. Yet the very concept of human rights was underpinned by a strong moral and ethical code, promoting the values of solidarity, equality and tolerance.

52. Attempts to create a declaration of human responsibilities to stand alongside the Universal Declaration of Human Rights would necessarily imply that the latter could not be taken in its own right. Furthermore, those who failed to respect international human rights standards might claim that citizens who allegedly failed to live up to their responsibilities were not entitled to enjoy human rights. He urged the international community to ensure that human rights were not exposed to such a threat.

53. Ms. CAGAR (United Nations Population Fund) expressed concern regarding the situation of women's access to reproductive health services. Her agency was in charge of implementing the Programme of Action adopted by the International Conference on Population and Development, held in Cairo in 1994, as well as being committed to strengthening national capacities to mainstream gender and reproductive concerns into policy definition. It worked in 142 developing countries to educate women who remained poor, uneducated and without access or power to influence the decisions that affected their lives. Many women remained unaware of the dangers of AIDS or of the alternatives to harmful practices such as female genital mutilation.

54. One State member had recently decided to deny funding to UNFPA for reproductive health services, threatening to deprive millions of women of access to life-saving services. Statistically, the consequences of that decision would be a failure to prevent 2 million unwanted pregnancies; nearly 800,000 induced abortions; 4,700 maternal deaths; nearly 60,000 cases of serious maternal illness, and over 77,000 infant and child deaths.

55. Welcoming the report by Ms. Warzazi on harmful traditional practices (E/CN.4/Sub.2/2002/32), she said that UNFPA campaigned for the abolition of female genital mutilation, not only because of its harmful impact on sexual and reproductive health, but also because it was a violation of women's fundamental human rights. It supported a number of programmes at the national level, particularly those that offered safe ritual alternatives as rites of passage. Programmes were more effective when they enjoyed the support of local leaders, who could serve as invaluable agents for change. Moreover, it was essential to provide local midwives with an alternative source of income, thereby helping practitioners to maintain their livelihoods.

56. Over the previous few years, UNFPA had stepped up cooperation with the Office of the High Commissioner for Human Rights, with a view to helping treaty-monitoring bodies to apply human rights standards to issues relating to women's health. Meetings and briefing sessions were held frequently in order to enhance cooperation.

57. It was clear from economic growth indicators that investment in health and education could be a significant factor in efforts to combat poverty. Developing countries that enhanced reproductive health would enjoy faster economic growth as a result.

The meeting rose at 6.00 p.m.